

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CLEVELAND BANQUETS, LLC, <i>et al.</i> ,)	CASE NO. 1:11 CV 1253
)	
Plaintiffs,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
CLEVELAND FINANCIAL)	
ASSOCIATES, LLC, <i>et al.</i> ,)	<u>MEMORANDUM OPINION</u>
)	<u>AND ORDER</u>
Defendants.)	

This matter is before the Court on Defendants' Combined Motion for Summary Judgment and Motion to Dismiss. The arguments of both parties turn on whether or not this action should be barred based on a prior decision in the Cleveland Municipal Court on a related issue. The Complaint in the prior Municipal Court action raised claims for immediate possession of the subject property, and sought damages for breach of the Management Agreement. (ECF #21-1). The Municipal Court decided the issue of possession, but explicitly left open the question of whether the Management Agreement was breached, indicating that the parties had remaining competing claims for monetary damages. (ECF #4-3, at 7). Later journal entries indicate that the Municipal Court intended to resolve the allegations of breach of contract at a later date, but there is no indication on the docket that this issue was ever, in fact, resolved. Although the case is listed as closed on the municipal docket, there was no apparent resolution of the breach of contract claim, and there is no indication as to whether the parties settled that issue (and if so, under what terms), or whether the issue was dismissed with or without prejudice. The status and/or resolution of the breach of contract claim brought before the Municipal Court is relevant to the Court's

consideration of the issues raised in Defendants' Motion, and in Plaintiffs' response. Therefore, the Court hereby Orders that the parties submit a statement (preferably an agreed statement), indicating, in as much detail as possible, how this issue was resolved in the Municipal Court and/or whether the issue is still pending in that action. The statement should be submitted no later than October 31, 2011.

IT IS SO ORDERED.

/s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: October 26, 2011